

Application/Control Number: 09/552,743
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Claims 1-30 (previously canceled)

Claim 31 (Amended) An apparatus for positionally stabilizing adjacent vertebrae of a spine by promotion of bone fusion between the adjacent vertebrae, said apparatus comprising:

- a) an anteriorly expandable implant adapted to promote bone growth between the adjacent vertebrae; said implant having upper and lower walls extending between anterior and posterior ends of the implant and a posterior wall connecting the upper and lower walls;
- b) a post mounted in said posterior wall and extending to near the anterior end of said implant;
- c) an expansion member operably coupled with said post and engaging said upper and lower walls for operably expanding a spacing between said anterior ends of said upper and lower walls, so as to operably urge said implant upper and lower walls into a predetermined non parallel angle relative to one another and so as produce a desired

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- alignment of the adjacent vertebrae;
- d) a cover assembly having upper and lower elongate support surfaces sized and shaped to contact and support for supporting an anterior region of the adjacent vertebrae; and
- e) a fastener mechanism operably securing said cover assembly and said expansion member to said implant during use.

32. (Previously Added) The apparatus according to Claim 31 wherein:

- a) said implant includes an interior chamber for receiving bone fragments; and
- b) said implant has a plurality of radially positioned apertures for permitting bone fragments in said chamber to join and fuse with bone in the adjacent vertebrae.

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33. (Previously Amended) An apparatus for stabilizing adjacent vertebrae of a spine by promotion of bone fusion between the adjacent vertebrae, said apparatus comprising:

- a) an implant for implanting between a pair of adjacent vertebrae, said implant adapted to promote bone growth between the adjacent vertebrae;
- b) an expansion cap coupled with said implant for expanding opposite sides of an anterior end of said implant to a predetermined spacing between the sides to provide a desired alignment of the adjacent vertebrae; and
- c) an implant end cover that is non integral to said expansion cap and that is operably positioned anterior of said implant and operably secured to said implant; said cover including upper and lower support surfaces that are elongate and generally linear and that are sized and shaped to engage and operably support along a substantial anterior region of both of said adjacent vertebrae.

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34. (Previously Added) The apparatus according to Claim 33

wherein:

- a) said expansion cap includes a recess for receiving a fastener to secure said cap to said implant.

35. (Previously Added) The apparatus according to Claim 33

wherein:

- a) said implant includes an interior chamber for receiving bone fragments; and
- b) said implant has a plurality of radially positioned apertures for permitting bone fragments in said chamber to join and fuse with bone in the adjacent vertebrae.

36. (Previously Added) The apparatus according to Claim 33

wherein:

- a) said expansion cap and said implant include structure for cooperatively locking together said cap and said implant when fully joined.

CANCEL CLAIMS 37-39

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40. (Amended) In an implant that in use is located between adjacent vertebrae for stabilizing such vertebrae and wherein the implant has upper and lower walls joined by a posterior wall, the improvement comprising:

- a) a post mounted in said posterior wall and extending to near an interior end of said implant; and
- b) an anterior expansion member coupled to said post and adapted to operably expand an anterior spacing between said upper and lower walls, as said expansion member moves posteriorly along said post during installation; said expansion member being anteriorly accessible and operably moved along said post by anterior rotation of at least one of said expansion member and said post at said anterior end of said implant; said expansion

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member being sized and shaped to remain in contact with said upper and lower walls in close proximity to at the anterior ends of said upper and lower walls, so as to provide support to said anterior ends during usage.

41. (Previously Added) The implant according to Claim 40

including:

- a) a fastener for positioning said expansion member relative to said post and securing said expansion member to said post.

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